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C O N F I D E N T I A L SECTION 01 OF 03 RABAT 002344

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TAGS: PBTS PHUM PGOV MO

SUBJECT: MINISTER OF INTERIOR TOUGH ON PRESS REFORM AND
HUMAN RIGHTS IN WESTERN SAHARA

REF: A. RABAT 2300
 1B. RABAT 2318
 1C. RABAT 2320
 1D. RABAT 2337
 1E. RABAT 2285
 1F. SECSTATE 200675

Classified By: Classified by Ambassador Thomas T. Riley for reasons 1.4
(b) and (d)

11. (C) Summary: Ambassador Riley raised freedom of expression issues, the Western Sahara and elections with Interior Minister Benmoussa December 27. Following up on earlier senior contacts, Ambassador argued for liberalization of the press code and against the new draft law on polling. Repeatedly referring to Moroccan values, a frank Benmoussa said that with the new code, penalties for press liability would be lightened, but responsibility had to increase, adding that Morocco needed responsible polling as well. He thought upcoming elections would be hotly contested and recent disputes over participation thresholds may raise voter interest. On the Western Sahara, he highlighted CORCAS activities and, while asserting that the GOM respected rights in the territory, said it would arrest anyone raising the Sahrawi Arab Democratic Republic (SADR) flag. He said recidivism among released Islamist prisoners was being targeted by the Ministry of Justice. The nations top cop, Benmoussa was tougher than previous interlocutors, stressing the need for enhanced government control. End Summary.

12. (C) The Ambassador accompanied by PolCouns, called on Minister of Interior Chakib Benmoussa for an hour-long exchange on December 27, reinforcing representations made earlier to Prime Minister Driss Jettou, MFA Minister-Delegate Fassi Fihri, Minister of Justice Bouzoubaa, and Royal Adviser Belfiqh (reftels). Benmoussa was joined by MOI Director of International Affairs Rachid Rguibi, and the new MOI Governor/Coordinator for MINURSO, El Arbi Mrabet.

Press Code

13. (C) Ambassador urged speedy action passing revisions liberalizing the press code, Benmoussa said work on the bill was almost finished; the government was moving forward after consulting with press and publisher associations. Its object is a revised code which lightened penalties, but at the same time increased the responsibilities of the press. This

responsibility can be administered in the first instance by the press association. While Morocco would continue to move forward, it had to protect its fundamental "values," to which he referred repeatedly. In clear reference to the recent banning of the Arabic weekly Nishane, he noted that publishing jokes on religion passes the social norms, and has already provoked strong international reaction, some of which the Ambassador confirmed he had been shown by Taieb Fassi Fihri (reftel E). The government had to act to keep protests from turning violent. The Ambassador pushed back, noting that in the US we believed that freedom of the press provided the best possible safety valve, but was again answered with reference to values.

Polling Law

¶4. (C) Ambassador noted that the proposed law on polling was worrisome. Benmoussa began by noting that in the past there had been restrictions on polling but they had not been defined or codified into law. The law had not yet been fully defined and would be subject to full debate when it is submitted to Parliament. The bill, reflecting regulations in force in France and elsewhere, should be seen as a step forward. It would establish a commission including civil society but headed by the Secretary General of the Prime Minister's office. Polls should not take on the King, religion, or fundamental values. Today, a poll can look at anything. Polls can be used to put into circulation a "bad message." Noting that last summer's IRI-sponsored electoral poll had "forced the situation," he said there were many protests by the political parties. The Ambassador countered

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that last summer's poll was good for the country, as it made people aware of the political situation. The government could only benefit from knowing what people were thinking.

¶5. (C) Comment: There was an important inconsistency noted in some of Benmoussa's comments on the polling law and the IRI poll in particular. When asked if the IRI polls had been the reason for the new law Benmoussa strongly denied this and cited a need for some time now to have a law that covers the quality of polls, similar to laws in Europe and elsewhere. He also denied that there was any intent to modify or control the content of polls, only to assure that it had been done properly and scientifically and not just to manipulate the public. Nevertheless, he complained emotionally about the specific follow-up question asked by IRI to the "undecided" category: "for whom would you vote if you had to vote tomorrow" which, when added to original answers resulted in a large majority (47%) for the Justice and Development Party (PJD). One got the strong feeling from these criticisms that, at least for Benmoussa, the law would have allowed him to modify or even not conduct the IRI poll, for reasons that had little to do with professionalism or scientific bases.
End Comment.

Elections

¶6. (C) Benmoussa said the electoral law had passed Parliament and included provisions enabling candidates to bypass threshold restrictions by getting enough signatures in their district. There was a good, if heated, debate in Parliament over raising the threshold from 5 to 6 percent. This had increased transparency, raising public interest, and it may help boost voter participation. There has since been a notable increase in coordination among the smaller parties. In response to a question, he noted the PJD had been initially in favor of raising the participation threshold. It later sided with the small parties on the ease of eligibility of candidates, to position itself as leader of the opposition, although it continued to push for a higher

threshold percentage, which was inconsistent with its "concern" for small parties. This was all part of the political game, he said.

Western Sahara

17. (C) Ambassador noted he had discussed the autonomy plan with MFA Minister-Delegate Fassi Fihri. He appreciated the access to the Western Sahara afforded to embassy personnel by the GOM. He raised concerns about human rights, noting it was difficult to comprehend arrests in Laayoune of those who were pro-independence, but peaceful. Benmoussa was defensive, expressing concern about known supporters of independence, who, "financed by the Polisario," expressed themselves outside the country. When there is a risk of security, he insisted, the police will intervene. They will not stand by when SADR flags are unfurled, or when Moroccan flags are burned, confirming that both were considered crimes. Ambassador specifically asked if showing the SADR flag was a crime, and surprisingly Benmoussa confirmed yes, it was considered inciting the crowd. This was the first time, we believe that the GOM has admitted to arresting Sahrawi demonstrators for other than violent crimes, property damage, etc. He complained that many of those arrested were also trafficking in narcotics and contraband, and that those who take a boat to the Canaries use the SADR flag to gain asylum from the Spanish. The GOM was committed to keeping access open to the Western Sahara, allowing in many journalists, but keeping out those with pre-planned and "sometimes-paid" agendas. (Comment: We have seen no evidence of smuggling by activists, but have heard from Spanish authorities that many Sahrawi boat people have exaggerated their repression for asylum purposes. End Comment.)

Law Enforcement Issues

18. (C) Benmoussa, consulting with his staff, said the

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money-laundering bill will likely be approved in the coming legislative session. He was interested in principle in training. He also responded positively to the possibility of FBI-provided anti-corruption training, highlighting the government's efforts in this direction, but deferring in practice to his head of police.

19. (C) On prisoners, he was concerned about recidivism among released Islamist prisoners. The government tries to track them after release, though not always successfully. There is a program focused on changing prisoner's perspectives, administered by the Ministry of Justice but he was not familiar with the details.

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Riley